



2614
J. Douglas
2/14/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
UNDER 37 CFR §1.121

APPLICANT: Tom Lee Sorensen DOCKET NO: P01,0507 /
DF-7141
SERIAL NO.: 09/434,559 ART UNIT: 2614
FILED: November 12, 1999 EXAMINER: M. Hoyer
Confirmation No. 4098

TITLE: APPARATUS AND METHOD FOR PROVIDING, RETRIEVING, AND
USING DATA GUIDE INFORMATION SUPPLIED IN A DIGITAL
VESTIGIAL SIDEBAND SIGNAL

5 Assistant Commissioner for Patents,
Washington, D.C. 20231

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Dear Sir:

In response to the Notice of Non-Compliant Amendment dated January 31,
10 2003, Applicant herewith responds by providing a clean version of the replacement
paragraphs required by 37 CFR §1.121(b)(1)(ii).

The following paragraphs are clean versions of the paragraphs amended by
the Amendment Responsive to the October 23, 2002 Office Action.

The clean version of the paragraph beginning at page 10, line 1 is as follows:

15 Alternatively, once the processor 18 receives the signal from the detector
indicating that a data packet 26 has been received, the processor 18 may utilize a
template stored in the memory 20 which automatically indicates the type of data
received based on the channel to which the receiver 13 is tuned at the time of
reception. In other words, it may be known that a particular channel always and only
20 transmits business data, while another channel always and only transmits sports
statistics. As a result, once the detector 16 determines that data is received, the

B' could

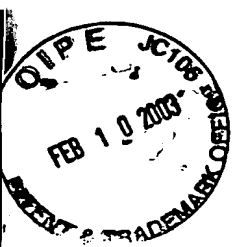
*B1
cancel* processor 18 can reference the template to determine which type of data corresponds to the tuned channel.

The clean version of the paragraph beginning at page 11, line 10 is as follows:

*B2
cancel* 5 Also, if the data type is determined to be new, the processor 18 executes data guide software to generate or update a menu 32 containing that data type. The operator interface module 21 can display the menu 32 at any time the user selects. The operator interface module 21 can be in the form of, for example, a computer monitor, a television screen, a liquid crystal display screen of a cellular 10 telephone or personal digital assistant, or the like. The menu 32 could be displayed on a designated channel to which the user could tune when desired. Using a peripheral input device (not shown) associated with the operator interface module 21, such as a mouse, trackball, keyboard, remote control, or touch screen, a user can scroll through the displayed menu 32 and select the channel of interest. Once a 15 particular channel is selected the processor 18 then directly connects the user to the desired channel, or if a website is selected, to the desired website. A representative menu 32 generated by the processor 18 is depicted in Figure 4.

Respectfully submitted,

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Mark Bergner
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 5, 2003.

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Mark Bergner Attorney for Applicants

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Paper No. 8

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 01/29/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☐ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: The clean version for paragraphs 10 line 1 and page 11 line 10 are missing.

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant **supplies the omission or correction** to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to **supply the omission or correction noted above** in order to **avoid abandonment**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Wanda M. Hansen
Legal Instruments Examiner (LIE)

(Rev. 12/01)

TOTAL P.03

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